

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**SIX FLAGS ENTERTAINMENT
CORPORATION,**

Plaintiff,

v.

**TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA,**

Defendant.

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Civil Action No. 4:21-CV-00693-P

**DEFENDANT TRAVELERS CASUALTY AND SURETY COMPANY OF
AMERICA’S RULE 26 DISCLOSURE AND DESIGNATION OF EXPERTS**

Pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure and this Court’s Scheduling Order (Document 19), Defendant Travelers Casualty and Surety Company of America (“Travelers”) files this Disclosure and Designation of Experts.

**I.
NON-RETAINED WITNESSES WHO MAY TESTIFY TO
OPINIONS WITHIN THE REALM OF THEIR EXPERTISE**

Travelers designates the following individuals who are not retained or specially employed to provide expert testimony, but who may be called to offer opinions at trial based on the witness’ background, education, experience or training:

1. J. Price Collins
Partner
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER, L.L.P.
901 Main Street, Suite 4800
Dallas, TX 75202-3758
(214) 698-8000

Mr. Collins is expected to testify regarding the attorneys' fees and expenses incurred in connection with this coverage litigation. More specifically, Mr. Collins may be called to provide testimony concerning the amount of attorneys' fees and expenses billed for legal services rendered on behalf of Travelers in connection with this litigation through trial and any appeal, including testimony that such fees and expenses were reasonable and were necessarily incurred. Mr. Collins may also be called to provide testimony to refute or respond to any expert testimony or other evidence offered by Plaintiff Six Flags Entertainment Corporation ("Six Flags") regarding its claim for attorneys' fees and expenses.

Mr. Collins has been a licensed attorney in the State of Texas since 1991, has extensive experience regarding the handling and litigation of insurance coverage disputes, and is fully qualified to testify regarding normal and customary practices relating to attorneys' fees and expenses in Texas. Mr. Collins has experience and knowledge relating to the complexity of the issues involved in this litigation, the time requirements for legal service performed, the normal and customary fees charged by attorneys in the relevant areas, timekeeper practices and procedures, maintaining records with respect to time spent and the amounts incurred, and generation of bills and invoices.

Mr. Collins' curriculum vitae, Bates labeled TRAV 00001 to TRAV 00002, is being produced contemporaneously with this designation.

2. Ashley F. Gilmore
Partner
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER, L.L.P.
901 Main Street, Suite 4800
Dallas, TX 75202-3758
(214) 698-8000

Ms. Gilmore is expected to testify regarding the attorneys' fees and expenses incurred in connection with this coverage litigation. More specifically, Ms. Gilmore may be called to provide testimony concerning the amount of attorneys' fees and expenses billed for legal services rendered on behalf of Travelers in connection with this litigation through trial and any appeal, including testimony that such fees and expenses were reasonable and were necessarily incurred. Ms. Gilmore may also be called to provide testimony to refute or respond to any expert testimony or other evidence offered by Six Flags regarding its claim for attorneys' fees and expenses.

Ms. Gilmore has been a licensed attorney in the State of Texas since 1998, has extensive experience regarding the handling and litigation of insurance coverage disputes, and is fully qualified to testify regarding normal and customary practices relating to attorneys' fees and expenses in Texas. Ms. Gilmore has experience and knowledge relating to the complexity of the issues involved in this litigation, the time requirements for legal service performed, the normal and customary fees charged by attorneys in the relevant areas, timekeeper practices and procedures, maintaining records with respect to time spent and the amounts incurred, and generation of bills and invoices.

Ms. Gilmore's curriculum vitae, Bates labeled TRAV 00003, is being produced contemporaneously with this designation.

II.

OTHER WITNESSES AND RESERVATION OF RIGHTS

Travelers reserves the right to use testimony, either live or by deposition or by affidavit, or to ask questions live at trial, from any of the expert witnesses, whether retained or non-retained, that are identified by any of the other parties in this lawsuit or called to testify live at trial, whether in direct examination, cross-examination, or rebuttal. Travelers further reserves

the right to elicit, by way of cross-examination, opinions, testimony, and adverse testimony from experts and non-expert witnesses designated and called by other parties to this lawsuit. Travelers reserves the right to call undesignated rebuttal expert witnesses whose testimony cannot reasonably be foreseen until the presentation of the evidence in this trial. Travelers reserves the right to withdraw the designation of any expert and to aver positively that any such previously designated expert will not be called as a witness at trial, and to re-designate same as a consulting expert, who cannot be called by opposing counsel. Travelers hereby designates, as adverse parties, potentially adverse parties, and/or as witnesses associated with adverse parties, all parties to this suit, and all experts designated by any party to this suit, even if the designating party is not a party to this suit at the time of trial. In the event a future or present party designates an expert, but then is dismissed for any reason from the suit or fails to call any designated expert, Travelers reserves the right to designate and/or call any such party or any such experts previously designated by any party.

Additionally, Travelers reserves any unmentioned rights with regard to experts, pursuant to the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the case law regarding same, and the rulings of this Court. Travelers reserves the right to elicit expert, lay, or adverse opinions by way of direct examination, cross-examination or other means, from those witnesses designated by any other parties who may have knowledge of relevant facts and/or have been designated as expert witnesses. Further, Travelers hereby reserves the right to call as trial witnesses those individuals designated as persons with knowledge by any other parties in this cause of action.

Respectfully submitted,

By: /s/ Ashley F. Gilmore

J. Price Collins

State Bar No.: 04610700

price.collins@wilsonelser.com

Ashley F. Gilmore

State Bar No.: 50511704

ashley.gilmore@wilsonelser.com

WILSON ELSEER MOSKOWITZ

EDELMAN & DICKER LLP

901 Main Street, Suite 4800

Dallas, TX 75202-3758

Telephone: 214-698-8000

Facsimile: 214-698-1101

**ATTORNEYS FOR DEFENDANT
TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA**

CERTIFICATE OF SERVICE

This is to certify that, on January 10, 2022, a true and correct copy of the foregoing document was filed and served via the Court's CM/ECF system on the following counsel of record:

Nejat A. Ahmed
Email: nejat@lalawtx.com
Jennifer B. LeMaster
Email: jennifer@lalawtx.com
LEMASTER & AHMED PLLC
5700 Tennyson Parkway, Suite 310A
Plano, TX 75024

Michael T. Cooke
Email: mtc@fsclaw.com
Jonathan T. Suder
Email: jts@fsclaw.com
Jeffrey D. Parks
Email: parks@fsclaw.com
FRIEDMAN SUDER & COOKE PC
Tindall Square Warehouse No. 1
604 East 4th Street, Suite 200
Fort Worth, TX 76102

/s/ Ashley F. Gilmore

Ashley F. Gilmore